preme Court in Interstate Commerce Commission v. Delaware, Lackawanna & Western Railroad Co., 220 U. S. 235. This latter decision is, of course, duly cited (vol. 3, p. 1810), but the clash with the Lindquist case seems not to have been suspected. Similarly, there has been a failure to note certain changes in the law produced by recent amendments to the Act—a fault which is readily to be pardoned. These defects are, presumably, chargeable to inaccurate revision of the text of the first edition.

It is impossible to avoid a sense of regret that extensive portions of the general text consist of conjoined statements of principle snatched almost verbatim from the lips of the courts. The practice is common and perhaps not easy to avoid. It makes for exactness, but detracts substantially from style and effect. The legal writing which endures must be essentially that of the author himself; he must make his own the principles which are found in the decisions of the courts and then give them independent expression. To the extent that the author here has followed a different course he has failed to attain the most satisfying results.

But a work of merit cannot be criticised with comfort. It is enough that its shortcomings are unimportant and that its virtues are most marked. Moore on Carriers is assured an honorable position among legal treatises.

A. P. M.

THE PUBLICATIONS OF THE SELDEN SOCIETY. Vol. XXVI. Year Books of Edward II. Vol. VI. 4 Edward II. A. D. 1310-1311. Edited by G. J. Turner, of Lincoln Inn, Barrister-at-Law. Bernard Quaritch, 11 Grafton St. New Bond St., London, W. England. 1914. pp, civ, 228. £1, 8s.

THE PUBLICATIONS OF THE SELDEN SOCIETY. Volume XXX. Select Bills in Eyre, A. D. 1292-1333. Edited by William Craddock Bolland. Bernard Quaritch, 11 Grafton St., New Bond St., London, W., England. 1914. pp. lxiii, 198. £1, 8s.

The first mentioned of these two publications will perhaps prove the more interesting to the student of law, the second, to the student of social and economic conditions and of general history. But both of them are replete with interest to many sorts of men, and cast light upon many problems of the most vital interest at the present day.

For example, are the rich getting richer and the poor poorer, or is the contrary the fact? In the thirteenth century we find from the Bills in Eyre that oxen are valued as low as six shillings apiece, a mare at seven shillings, a "hackney" at twelve pence. But notwithstanding these valuations taken from bills in this collection, the high cost of living was apparently not a thing unknown to the subjects of the first three Edwards. Oats and wheat are valued at from two to five shillings a quarter. The very cheapness

of livestock compared with the relative dearness of wheat tends to show that Englishmen in the thirteenth and fourteenth centuries were worse off than they are today. And our conclusion is fortified by what we read in the pages of these Select Bills of the insecurity of life, limb and property in these good old days.

One sample, taken almost at random from these bills, we quote as typical of the kind of complaints and the form of pleading. It is from the Shropshire Eyre of 20 Edward I. "Dear sir, I cry mercy of you who are put in the place of our lord the King to do right to poor and to rich. I, John Ferewyn, make my complaint to God and to you, Sir Justice, that Richard the carpenter, that is a clerk of the bailiff of Shrewsbury, detaineth from me six marks which I paid him upon receiving from him an undertaking in writing wherein he bound himself to find me in board and lodging in return for the money he had from me; and he keepeth not what was agreed between us, but as soon as he had gotten hold of the money he abandoned me and constrained my person and gave me a scrap of bread as though I had been but a pauper begging my bread for God's sake, and I was nigh to dying of hunger through him. And for all this I cry you mercy, dear Sir, and pray, for God's sake that you will see that I get my money back before you leave this town, or else never shall I have it back again, for I tell you that the rich folk all back each other up to keep the poor folk in this town from getting their rights. As soon, my lord, as I get my money I will go to the Holy Land, and there I will pray for the King of England and for you especially, Sir John of Berewick; for I tell you that I have not a half penny to spend on a pleader; and so for this, dear Sir, be gracious unto me that I may get my money back. (Endorsement.) The defendant admitteth the agreement and breach and the parties come to an agreement by leave of the Court." We are glad that the plaintiff got some relief, notwithstanding the rich were all leagued against him. We fancy, notwithstanding plaintiff's plea of poverty, some pleader got more than a half penny for this eloquent pleading, which, by the way, was written in French, the language of the courts and pleaders. But of this we can never be certain, nor whether poor John Ferewyn went to the Holy Land with the six marks or a substantial part thereof.

The Year Books give us as intimate a picture of the courts at Westminster as the Bills in Eyre of the life of the country. Blackstone, following Plowden and Coke thought they were official reports; later investigators, among them Maitland, incline to the view that they are not the work of official reporters. In his preface to this volume of the Year Books, Mr. Turner suggests reasons for the belief that while the earliest of the manuscripts were not the work of official reporters, such reporters were later appointed and some of the reports of the later period are their work. Some of the cases in this volume we should

think were the work of private reporters. At page 156, a decision of Bereford is said to have "seemed strange to some," and on page 26, the reporter says "Afterwards I asked Passeley, (counsel), for the reason for Stanton's statement, and he said that the judge had some reason of his own." We can hardly imagine an official reporter making such comments.

But whether official or not, the value and interest of these documents remain the same. There is a sense of reality about these cases that we miss in the cut and dried modern reports. How natural is Chief Justice Bereford's exclamation, in a puzzling case, "Ill luck on your covenants," (page 10), or Stanton's "Well it is for me that you are agreed, and by your agreement is the court spared much trouble, for in justice, John, though good faith is on your side, the law of the land would have served you nought. And do you, John, when you lease your lands again, put all your covenants in one writing," (page 91). At page 132, counsel begins to state his demand, "and afterwards Stanton, J., winked at him." The judges frequently back their opinions with bets. "I will wager a cask of wine on it," (page 44), or "if he recover that moiety against you in this way, I will give you as much of my own land," (page 53), or "If you find it (an authority referred to by counsel) I will give you my hood (jeo vous dorra mon chaperon)," (page 168). Counsel come in for many hard knocks. A judge shows how a former case should have been pleaded, "Sire, you speak the truth; the case was not well managed" (page 83). In another case counsel is warned: "You went too far here once before," (page 43), and once, Bereford, C. J. enraged said: "Do you think, John Hengham, to embarrass the court in this plea as you embarrassed it in the case of Christian the widow of John le Chalunner? By Saint James! you will not do so (Par seint Jake vous noun friez)," (page 169).

That there were tricky lawyers in those days as in these, witness the case of Chaumberlyn v. Combes at page 20. A default had been taken, and the defendant's lawyer seeks to set it aside on the ground that he was arrested by the bailiffs of a certain town as he came through. Unfortunately he is confronted with the record in another case which recites his presence at Westminster on the very day on which he says he was arrested. He protests that this entry is a fraud, but without success. He can not thus impugn a judgment. Bereford says: "All England cannot save this default."

The case at page 48 helps to explain why the judges of the courts of common law regarded themselves as umpires, rather than as judges administering a system of justice,—a theory that is fundamental in the English common law and has been carried over into our own. The writs were purchased and issued under the great seal, after having been examined in the chancery

by examiners. If the judges permitted writs to be amended freely, they would be depriving the king's treasury of legitimate revenue. "If the examiners had found this defect," says Stanton, J., "would they have passed the writ for the seal? Scrope, (counsel) No, sir. Stanton, J., And why should we uphold it?" At page 163, the court lays down the umpire theory with great positiveness. Counsel asks the opinion of the court as to how he should proceed. The judge answers: "By the faith which I owe, you will not have judgment from us upon what point you should take your stand, but do you yourselves consider on what you will do."

We have noted the following points of more or less general interest decided and discussed in these reports: Judicial notice not taken of the age of a person in court, (page 19), attempt to prove conveyance of reversion without deed, (page 32), husband and wife treated as joint tenants, (page 41), suit for debt in ecclesiastical courts abated (page 97), progress in women's rights, (page 122), mediaeval bookkeeping (pages 127, 136, 154), executor suing himself personally (page 150).

A matter of interest of a different kind that may be mentioned for what it is worth is the fact that the forty-sixth case in the roll is entitled Bardolf v. Bardolf, the fiftieth case Pecham v. Poynz. It may be only an accidental coincidence that the author of Henry IV also used these same names in close connection, but is it not possible that the quick eye of the dramatist had seized upon these peculiar names in one of the manuscripts of this roll, and fitted them to the characters?

Membership in the Selden Society costs one guinea a year, entitling the member to its publications. Its printed list shows but two members in the State of California. At least all the larger public libraries should be members.

O. K. M.

THE ILLEGALITY OF THE TRIAL OF JESUS. By Honorable John E. Richards. THE LEGALITY OF THE TRIAL OF JESUS. By S. Srinivasa Aiyar. A. L. Chatterton, 354 Fourth Ave., N. Y. 1914. pp. 92. $2.00.

Nothing is more difficult, certainly, than to keep the even balance of judicial opinion when dealing with subjects closely connected with the life of the founder of our faith. One instinctively becomes the advocate.

Judge Richards brings to his treatment of the trial of Jesus the training of a lawyer combined with deep religious feeling. We follow his pages with sympathy, and yet with the feeling that considerations of religious fervor have mingled with a scientific interest. Justice Aiyar is respectful, but evidently unembarrassed by any bias in favor of Christianity. His argument discloses the characteristics of the eastern mind. There is no clear cut analysis, and the effort to grasp it as a whole